

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERNEST CALVINO JR.,

Plaintiff,

-against-

ANGEL FIGUEROA, *et al.*,

Defendants.

20-CV-0726 (CM)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

On January 10, 2020, the Court ordered Plaintiff to show cause why he should not be barred as of January 10, 2020, from filing any further actions in this Court *in forma pauperis* (IFP) without first obtaining permission from this Court to file his complaint. *See Calvino v. Fauto*, ECF 1:19-CV-11958, 4. Plaintiff did not file a declaration in response to that order, and on February 11, 2020, the Court barred Plaintiff, as of January 10, 2020, from filing any new action *IFP* without first obtaining from the Court leave to file. *See* ECF 1:19-CV-11958, 5.

On January 17, 2020, Plaintiff filed this new *pro se* case, seeking IFP status. But as required in the February 11, 2020 order, he has not sought leave from the Court to file this action. The action is therefore dismissed without prejudice for Plaintiff's failure to comply with the February 11, 2020 order.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this

order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 13, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written above a horizontal line.

COLLEEN McMAHON
Chief United States District Judge